

## REMARKS

### 1. Formal Matters

#### a. Status of the Claims

Claims 16-24 are pending in this application. Claims 17 and 20 are withdrawn as being drawn to an non-elected invention. Claims 18 and 21 are amended. Upon entry of these amendments, claims 16, 18, 19, 21-24 are pending and under active consideration. Applicants respectfully request entry of the amendments and remarks made herein into the file history of the present application.

#### b. Amendments to the Claims

Amended claim 18 recites the nucleic acid of claim 16, wherein the at least Y nucleotides is a sequence as set forth in SEQ ID NO: 14051, support for which can be found at the sequence listing as originally filed.

Amended claim 21 is directed to the nucleic acid of claim 19, wherein Y consecutive nucleotides is of a sequence as set forth in SEQ ID NO: 14051, support for which can be found at the sequence listing as originally filed.

#### c. Election/Restrictions

On pages 2-6 of the Office Action, the Examiner requires restriction of claims 17, 18, 20, and 21 since these claims allegedly do not have a proper genus/Markush group. Specifically, the Examiner asserts that although each of the SEQ ID NOS: 399404, 399423, 399424, 399427, 399441, 14005, 14011, 14020, 14039, 14046, and 14051 target and modulate expression of a RNA, the sequences are unrelated since each SEQ ID NO is structurally and functionally independent. The Examiner further alleges that each SEQ ID NO has a unique nucleotide sequence, targets a different and specific region of target gene nucleic acid, and modulate expression of a gene differently. The Examiner concludes that the sequences of claims 17, 18, 20, and 21 are in an improper Markush form and a reasonable number of sequences to exam is one. The Examiner indicates that upon allowability of linking claim 16, the restriction requirement to the other linked inventions (SEQ ID NOS: 399404, 399423, 399424, 399427, 399441, 14005, 14011, 14020, 14039, 14046, and 14051 and related sequences thereof) will be withdrawn and rejoined.

Applicant elects with traverse SEQ ID NO: 14051, which is associated with claims 18, 19, and 21-24 for further prosecution.

**d. Traversal Argument**

Applicants respectfully submit that members of the claimed Markush group in claims 17-19, 20 and 21 are sufficiently few in number and closely related that a search and examination of the entire claim would not be a serious burden even though the members of the Markush group are directed to independent and distinct sequences (See M.P.E.P. §803.02). Specifically, SEQ ID NOS: 399404, 399423, 399424, 399427, and 399441 are precursor nucleic acids (*i.e.*, hairpins) produced from the precursor polycistronic nucleotide sequence as set forth in SEQ ID NO: 399,738 of linking claim 16. In turn, SEQ ID NOS: 14005, 14011, 14020, 14039, 14046, and 14051 are nucleic acids capable of binding target mRNAs (*i.e.*, miRNAs), which are produced from the precursor nucleic acid sequences as set forth in SEQ ID NOS: 399404, 399423, 399424, 399427, and 399441. Accordingly, each sequence in the Markush group of claims 17-19, 20 and 21 are derived from SEQ ID NO: 399,738, and as acknowledged by the Examiner, modulate and target expression of distinct target mRNAs. Applicant submits that the derivation between the precursor nucleic acids and the nucleic acids capable of binding target mRNAs creates a small number of sequences to examine. Accordingly, the Examiner has failed to demonstrate a serious burden would exists to examine the closely related sequences of claims 17-21, which are derived from precursor nucleic acid SEQ ID NO; 399,738. Should the Examiner maintain the restriction, Applicant respectfully request rejoinder of the linked sequences as set forth between SEQ ID NO: 399,738 and SEQ ID NOS: 399404, 399423, 399424, 399427, 399441, 14005, 14011, 14020, 14039, 14046, and 14051. In view of the foregoing amendment and remarks, Applicant respectfully requests reconsideration of the restriction requirement and the opportunity to examine all members of the Markush groups in claims 17-21.

## 2. Conclusion

Applicant respectfully submits this application is in good and proper order for substantive examination.

Respectfully submitted,

POLSINELLI SHALTON FLANIGAN SUELTHAUS PC

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On behalf of: Teddy C. Scott, Jr., Ph.D.  
Registration No. 53,573

By: /Paul A. Jenny/  
Paul A. Jenny  
Registration No. 59,014  
Customer No.: 37808

POLSINELLI SHALTON FLANIGAN SUELTHAUS PC  
180 N. Stetson Ave., Suite 4525  
Chicago, IL 60601  
312.819.1900 (main)  
312.873.3613 (direct)  
312.602.3955 (efax)  
tscott@polsinelli.com